

## **EQUAL EMPLOYMENT OPPORTUNITY (EEO) TERMINOLOGY**

**Accessibility:** A barrier-free environment in which the mobility of physically handicapped persons is not inhibited by external forces such as architectural design.

**Administrative Judge (AJ):** An official assigned by the Equal Employment Opportunity Commission (EEOC) to hold hearings on formal complaints of discrimination and to otherwise process individual or class complaints for the EEOC.

**Adverse Impact (Effect):** Applying certain personnel policies; e.g., word-of-mouth recruiting, diploma requirements, intelligence tests, etc., uniformly to all applicants or employees which has the effect of denying employment or advancement to members of affected classes.

**Affirmative Action Plans/Affirmative Employment Plan:** Also known as the EEOC Management Directive 715 (MD715) is an annual plan which shows how the work force at the activity has been used, and may include timetables for increasing the representation of minorities, females, and the disabled in areas where they have been under represented.

**Age Discrimination:** A claim of discrimination based on age by an individual who is at least 40 years of age at the time of the alleged discriminatory act.

**Aggrieved Person:** A person who believes that he/she has been discriminated against in some way and makes his/her concerns known.

**Alternative Dispute Resolution (ADR):** A variety of techniques, methods, or processes involving a neutral third party which are used as alternatives to the traditional dispute resolution processes. The Department of Army's preferred method of ADR is mediation.

**Barrier:** Personnel principle, policy, or practice which restricts or tends to limit the representative employment of applicants and employees, especially minorities, women, and individuals with handicaps.

**Class Action Suit:** A court action on behalf of an affected class alleging an unlawful pattern of discrimination by an employer. An individual, a group, and/or a Government Agency can initiate a class action suit.

**Complainant:** An employee, a former employee, or an applicant for employment who files a formal complaint of discrimination based on his/her race, color, religion, sex, national origin, age (40), physical or mental disability and/or reprisal.

**Disability:** A physical or mental impairment which substantially limits one or more major life activity.

**Disabled Veteran:** A person whose discharge or release from active duty was for a disability incurred or aggravated in the line of duty and who is entitled to a 30% disability compensation under the laws administered by the Veterans Administration.

**Discrimination:** Any act or failure to act, impermissible based in whole or in part on a person's race, color, religion, national origin, sex, age, physical or mental handicap, and/or reprisal, that adversely affects privileges, benefits, working conditions, and results in disparate treatment or has a disparate impact on employees or applicants.

**Diversity:** Recognizing and valuing differences in our employees and using those differences to make the organization more efficient and effective.

**Disparate Impact:** Under EEO law, less favorable effect for one group than for another. Disparate impact results when rules applied to all employees have a different and more inhibiting effect on women and minority groups than on the majority. For example, nonessential educational requirements for certain jobs can have a disparate impact on minority groups looking for work, as they often been limited in their access to educational opportunities.

**Disparate Treatment:** Inconsistent application of rules and policies to one group of people over another. Discrimination may result when rules and policies are applied differently to members of protected classes. Disciplining Hispanic and Afro-American employees for tardiness, while ignoring tardiness among other employees, is an example of disparate treatment.

**EEO Counselor:** An employee of the EEO Office, working under the direction of the EEO Manager, who makes informal inquiries and seeks resolution of informal complaints.

**EEO Groups:** Employees self-identify to one of the groups listed below.

Group	Male	Female
White	X	X
Black or African American	X	X
Hispanic or Latino	X	X
Asian	X	X
American Indian or Alaskan Native	X	X
Native Hawaiian/Other Pacific Islander	X	X
2 or More Races	X	X

**Employee:** Permanent, full- or part-time, members of the agency work force including those in excepted service positions. Temporary or intermittent individuals are counted.

**Equal Employment Opportunity (EEO):** The goal of laws which make some types of discrimination in employment illegal.

**Equal Employment Opportunity Commission (EEOC):** The Federal agency with overall responsibility of federal sector complaints. EEOC issues policy and regulations on the discrimination complaint system, holds hearings, makes findings and recommendations on discrimination complaints; and, makes final decisions on discrimination complaints that have been appealed. It also reviews, upon request, decisions of negotiated grievances and Merit Systems Protection Board (MSPB) appeals if they include issues of discrimination.

**Equal Employment Opportunity Laws:** Laws which prohibit discrimination on the basis of race, color, religion, sex, national origin, physical handicap and mental handicap in any terms, conditions, or privileges of employment. The five EEO laws are:

- ❖ The Equal Pay Act of 1963, as amended.
- ❖ Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972 and the Pregnancy Disability Act of 1978.
- ❖ The Rehabilitation Act of 1973, as amended.
- ❖ The Age Discrimination in Employment Act of 1967, as amended.
- ❖ The Civil Rights Act of 1991.

**Ethnic Group:** A group of people who share a common religion, color, or national origin. Some members of ethnic groups participate in the customs and practices of their groups, while others do not.

**Formal Complaint:** A written complaint, filed under 29 CFR 1614, alleging that a specific act of discrimination or reprisal has/have taken place that is personal to the individual.

**Hearing:** The presentation of such oral and written evidence concerning a complaint of discrimination presented before the EEOC.

**Informal Complaint:** A matter of alleged discrimination which an aggrieved person brings to the attention of the EEO Counselor before a formal discrimination complaint is filed.

**Investigative Report:** The report of investigation (ROI) prepared by an investigator after a formal discrimination complaint is filed, accepted for processing, and is investigated.

**Job Related:** Essential to job performance. The knowledge, skills, abilities, and experience necessary to perform a particular job. Tests are job related if they test whether an applicant or employee can perform the job in question. A rule or practice is job related if it is necessary for the safe and efficient performance of a particular job. For example, a rule prohibiting employees from wearing loose, flowing clothing around high speed rotating equipment is job related.

**Mediation:** A form of ADR. Mediation is an informal process in which a trained mediator assists the parties to reach a negotiated resolution of a dispute

**Merit Principles:** The rules established by the Office of Personnel Management that the federal government follows in hiring, promoting, and all terms and conditions of employment. One of those rules states that the selection and advancement shall be made on the basis of an applicant or employee's ability, knowledge, and skills in fair and open competition.

**Merit Systems Protection Board (MSPB):** The federal agency responsible for deciding appealable personnel actions and mixed case appeals.

**Minority:** The smaller part of a group. A group within a country or state that differs in race, religion or national origin from the dominant group. According to EEOC guidelines, minority is used to mean four particular groups who share a race, color or national origin. These groups are:

- American Indian or Alaskan Native. A person having origins in any of the original peoples of North America, and who maintain their culture through a tribe or community.
- Asian or Pacific Islander. A person having origins in any of the original people of the Far East, Southeast Asia, India, or the Pacific Islands. These areas include, for example, China, India, Korea, the Philippine Islands, and Samoa.
- Black (except Hispanic). A person having origins in any of the black racial groups of Africa.
- Hispanic. A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.
- The many peoples with origins in Europe, North Africa, or the Middle East make up the dominant white population.

**Notification of Federal Employee Antidiscrimination and Retaliation (No FEAR):** A EEOC rule pursuant to the No Fear Act requires federal agencies to: (1) Post year end data pertaining to EEO complaints on its website; (2) Reimburse the Treasury Judgment Fund for payments made in Federal District Court cases involving violations of discrimination and whistleblower laws; and (3) Train and notify employees on their rights and protections under the laws.

**Office of Federal Operations (OFO):** The EEOC component that handles all administrative appeals to the EEOC.

**Protected Class:** Groups protected from the employment discrimination by law. These groups include men and women on the basis of sex; any group which shares a common race, religion, color, or national origin; people over 40; and people with physical or mental handicaps.

**Race and National Origin (RNO):** Designations that define the racial or ethnic group to which an individual belongs, i.e. descendants of European, Asian, African, American Indian or Spanish.

**Reasonable Accommodation:** Any change in the work environment, in the way things are customarily done, or in the application process that enables a person with a disability to enjoy equal employment opportunities. General categories of reasonable accommodation are changes to: (1) job application process to permit persons with disabilities to be considered for jobs; (2) enable people with disabilities to perform the essential functions of a job; and (3) give people with disabilities equal access to the benefits and privileges of employment.

**Representative:** A person selected and designated in writing by a complainant or the class agent. The representative may accompany, represent, and advise in the complaint process.

**Reprisal:** Unlawful restraint, coercion or discrimination against complainants, their representatives, witnesses, EEO Counselors, investigators, and other agency officials with responsibility for processing EEO complaints.

**Responsible Management Official (RMO):** Also known as the Principle Agency Witness (PAW) is the management official or the agency official that is alleged to have discriminated.

**Retaliation:** Restraint, interference, coercion, discrimination, or reprisal against individuals who oppose unlawful discrimination or because of their EEO involvement.

**Settlements (Negotiated):** Charges settled with benefits to the charging party during the pre-complaint or formal complaint process. Terms of the negotiated agreement (NSA) are binding by both parties.

**Sexual Harassment:** Unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature based on one or more of the following conditions: (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; (3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.